

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

FILED

AUG 12 2009

WILLIAM B. GUTHRIE
Clerk, U.S. District Court
By _____ Deputy Clerk

JERRY L. SEWARD,

Petitioner,

v.

WALTER DINWIDDIE, Warden,

Respondent.

Case No. CIV 07-195-RAW-KEW

OPINION AND ORDER


This matter is before the court on petitioner's motion to dismiss his amended petition for a writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241 [Docket #32]. The respondent has filed two almost identical motions to dismiss [Docket #30 & 31], but it is unclear whether the second one is intended as an amended motion to dismiss. Plaintiff alleges his petition is insufficient, and it lacks a "key component" [Docket #32 at 1]. He also makes an unsupported claim that "as a matter of law the Grady County District Court and the Department of Corrections (DOC) acted without proper jurisdiction in the missapplication [sic] of Oklahoma Statutes that in fact were not available [sic] in this case at bar" [Docket #32 at 1-2].

The court construes petitioner's motion as a motion to voluntarily dismiss this action, pursuant to Fed. R. Civ. P. 41(a)(2). *See Haines v. Kerner*, 404 U.S. 519 (1972) (pro se litigant's pleadings should be construed liberally). The respondent has not filed a response to plaintiff's motion.

ACCORDINGLY, petitioner's motion to dismiss petition for writ of habeas corpus

[Docket #32] is GRANTED, and this action is DISMISSED WITHOUT PREJUDICE, pursuant to Fed. R. Civ. P. 41(a)(2).

IT IS SO ORDERED this 12th day of August 2009.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE